

Filed
MAY 13 2015
Missouri Ethics
Commission

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	Case No. 15-0001-I
v.)	
)	
JEAN ANTOINE,)	
)	
Respondent.)	

CONSENT ORDER

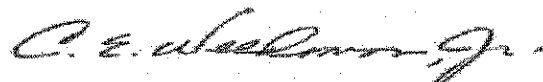
The parties have filed a Joint Stipulation of Facts, Waiver of Hearing, and Proposed Consent Order with the Missouri Ethics Commission in this matter. Accordingly, the Missouri Ethics Commission accepts as true the facts stipulated and finds that Respondent Antoine violated Section 130.031.8, RSMo.

The Commission directs that all terms and orders of the Joint Stipulation be adopted herein and implemented.

1. Respondent shall comply with all relevant sections of Chapter 130, RSMo.
2. It is the order of the Missouri Ethics Commission that a fee is imposed against Respondent Antoine in the amount of \$100.00 pursuant to Section 105.961.4(6), RSMo. The fee will be paid by check or money order made payable to and sent to the Missouri Ethics Commission at the time of execution of this Joint Stipulation.

SO ORDERED this 13th day of May, 2015

By:



Charles E. Weedman, Jr., Chair
Missouri Ethics Commission

Filed
MAY 13 2015
Missouri Ethics
Commission

**BEFORE THE
MISSOURI ETHICS COMMISSION**

MISSOURI ETHICS COMMISSION,)	
)	
Petitioner,)	
)	Case No. 15-0001-I
v.)	
)	
JEAN ANTOINE,)	
)	
Respondent.)	

**JOINT STIPULATION OF FACTS, WAIVER OF HEARING
BEFORE THE MISSOURI ETHICS COMMISSION, AND
CONSENT ORDER WITH JOINT PROPOSED
FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The undersigned parties jointly stipulate to the facts and consent to the action set forth below.

The undersigned Respondent, Antoine, acknowledges that he has received and reviewed a copy of the Complaint filed by the Petitioner in this case, and the parties submit to the jurisdiction of the Missouri Ethics Commission.

The undersigned Respondent further acknowledges that he is aware of the various rights and privileges afforded by law, including but not limited to: the right to appear and be represented by counsel; the right to have all charges against Respondent be proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Respondent; the right to present evidence on Respondent's behalf at the hearing; and the right to a decision upon the record of the hearing. Being aware of these rights provided to Respondent by operation of law, the undersigned Respondent knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Stipulation of Facts, Waiver of Hearing before the Missouri Ethics Commission, and Consent

Order with Joint Proposed Findings of Fact and Conclusions of Law, and agrees to abide by the terms of this document.

I.

Based upon the foregoing, the Petitioner and the undersigned Respondent jointly stipulate to the following and request that the Missouri Ethics Commission adopt as its own the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law, as follows:

JOINT PROPOSED FINDINGS OF FACT

1. The Missouri Ethics Commission is an agency of the State of Missouri established pursuant to Section 105.955, RSMo, in part for the purpose of enforcing the provisions of Chapter 130, RSMo.

2. Respondent Jean Antoine is the Mayor of the Olivette, Missouri.

3. Pursuant to Section 105.961, RSMo, the Commission's staff investigated a complaint filed with the Commission and reported the investigation findings to the Commission.

4. Based on the report of the Commission's staff, the Commission determined that there were reasonable grounds to believe that violations of law occurred, and it therefore authorized a hearing in this matter pursuant to Section 105.961.3, RSMo.

5. The City of Olivette is an organization not defined to be a committee by Section 130.011(9), and is not organized especially for influencing elections.

6. The principal officer of the City of Olivette is Mayor Jean Antoine.

7. Respondent Antoine was responsible for publishing, circulating, and/or distributing one letter and a postcard, true and accurate copies which are attached hereto as Exhibit A and Exhibit B, respectively, by mailing them to voters in the City of Olivette.

8. The City of Olivette paid for the printed materials referred to in paragraph 7.

9. The printed materials referred to in paragraph 7 related to a ballot measure in the November 2014 election.

JOINT PROPOSED CONCLUSIONS OF LAW

10. “Any person publishing, circulating, or distributing any printed matter relative to any candidate for public office or any ballot measure shall on the face of the printed matter identify in a clear and conspicuous manner the person who paid for the printed matter with the words "Paid for by" followed by the proper identification of the sponsor pursuant to this section.” § 130.031.8, RSMo.

11. The proper identification for a “corporation or other business entity, labor organization, or any other organization not defined to be a committee by subdivision (9) of section 130.011 and not organized especially for influencing one or more elections,” is “the name of the entity, the name of the principal officer of the entity, by whatever title known, and the mailing address of the entity, or if the entity has no mailing address, the mailing address of the principal officer.” § 130.031.8(3), RSMo.

12. “[P]rinted matter” shall be defined to include any pamphlet, circular, handbill, sample ballot, advertisement, including advertisements in any newspaper or other periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered material” § 130.031.8, RSMo.

13. The printed materials referred to in paragraph 7 should have contained a clear and conspicuous statement: “Paid for by City of Olivette, Jean Antoine, Mayor, 9473 Olive Boulevard, Olivette, MO 63132,” but they did not.

14. There is probable cause to believe that Respondent Antoine violated Section 130.031.8(3), RSMo, by publishing, circulating and distributing a letter and a postcard related to a ballot measure without including the proper "paid for by" disclosure.

II.

Based on the foregoing, the parties hereto mutually agree and stipulate that the following shall constitute the order entered by the Missouri Ethics Commission in this matter. This order will be effective immediately upon the issuance of the Consent Order of the Missouri Ethics Commission without further action by any party:

1. The parties understand that the Petitioner will maintain this Joint Stipulation as an open and public record of the Missouri Ethics Commission.

2. The Commission shall issue its Consent Order in the form attached hereto as Exhibit A.

a. Respondent shall comply with all relevant sections of Chapter 130, RSMo.


b. It is the Order of the Missouri Ethics Commission that a fee is imposed against Respondent Antoine in the amount of \$100.00, pursuant to Section 105.961.4(6), RSMo. The fee will be paid by check or money order made payable and sent to the Missouri Ethics Commission at the time of execution of this Joint Stipulation.

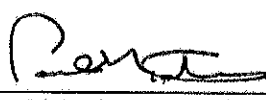
3. The parties consent to the entry of record and approval of this Joint Stipulation and to the termination of any further proceedings before the Commission based upon the Complaint filed by the Petitioner in the above action.

4. Respondent, together with his heirs, successors, and assigns, does hereby waive, release, acquit and forever discharge the Missouri Ethics Commission and its attorneys of or from any liability, claim, actions, causes of action, fees, costs and expenses, and compensation,

including but not limited to, a claim for attorney's fees whatsoever which Respondent or Respondent's attorney may now have or which they may hereafter have, which are based upon or arise out of the above cases.


RESPONDENT JEAN ANTOINE

By:  04/28/15
Jean Antoine Date

By:  4/9/15
Paul Martin Date
Attorney for Respondent

PETITIONER MISSOURI ETHICS
COMMISSION

By:  5/12/15
James Klahr Date
Executive Director

By:  5/6/15
Curtis R. Stokes Date
Attorney for Petitioner



...in the center of it all

Missouri Ethics Commission
JAN 12 2015

November 13, 2014

Dear Olivette Residents,

You may have received a letter taped to your door from a group canvassing the City of Olivette protesting the "private commercial use" of the City's parks. The letter contains several inaccuracies and I, on behalf of the City Council, would like to take a few moments to tell you the facts.

The August 2014 letter implies that there is a proposed zoning change before the City Council that would allow for private recreational facilities in any city park. **That is not true.** At a June 10, 2014 public meeting, *two months before the date of their letter*, the City Council tabled this matter *indefinitely*. If you'd like to see the minutes regarding the tabling of this zoning ordinance go to: <http://olivettemo.com/agendalist.aspx?cid=876>, click on the June 10, 2014 *minutes*, scroll down to Item #4 you will see the following:

Councilman Carl made a motion to table Bill #2739 indefinitely.

Motion seconded by Council Member Waldman.

POLL OF THE COUNCIL:

Council Member Carl Yea

Council Member Waldman Yea

Council Member Weil Yea

Chairman Pro-tem Springer Yea

Mayor Antoine Yea

Motion passed to table Bill #2739 indefinitely.

The group also claims in the August 2014 letter that they expect the "City Council will act to approve the zoning change before the public vote" on their proposed charter amendment on November 4. **This is not true.** The zoning ordinance has not been scheduled for a public hearing or put on any council agenda. It would be impossible to do so before the November 4 vote, and the Council has no intention of doing so.

The group also expresses concern that the City Council "will act to approve . . . the private takeover of Warson Park before a public vote." **This is not true.** If you go to: <http://olivettemo.com> and scroll down, click on the right hand link labeled Updates on Warson Park, you will see the following:



PETITION FOR SITE PLAN/COMMUNITY DESIGN REVIEW FOR WARSON PARK

Letter Declaring Abandonment

Given the lack of activity regarding the Petition for Site Plan/Community Design Review and comments from the Petitioners regarding alternative layouts, staff has deemed the current petition abandoned and all associated petition plans null and void. In the event an alternative layout is submitted for Site Plan/Community Design Review, a new petition application will be necessary.

In short, there is no longer any application or proposal pending before the City that could allow for the construction of a private recreational complex in Warson Park or in any other park. While the would-be developer may choose to submit a new application at some point in time, that *possible* application could not be considered or approved before the November 4 vote on the proposed charter amendment.

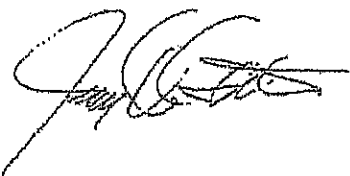
Please do not be confused by the misinformation provided in the group's August 14 letter. We believe they want to frighten you into voting blindly in favor of the proposed amendment, Prop 1.

Keep in mind that in drafting the proposed amendment, the authors did not identify themselves to the City. The authors did not hold any public meetings, get any public feedback, get any legal advice as to the implementation of the proposal, or publicly consider the actual ramifications of this vague and confusing Charter amendment. The proposed amendment, Prop 1, was created in haste, without public input, and without the benefit of an informative process that would have provided an opportunity for you to be educated on Prop 1 and to voice questions or concerns.

The City Council has serious concerns about this proposed amendment, Prop 1. You can access the ballot language of Prop 1 at: <http://tinyurl.com/Prop1-Olivette>. The City Council believes that you should have all the facts before you vote to change the City's Founding Document, and we invite you to an:

Education Session
Monday, October 27th
7 PM, Old Bonhomme School

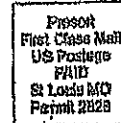
Sincerely,



Jean Antoine
Mayor
City of Olivette

City of Olivette
9478 Olive Boulevard
Olivette, MO 63132-5199

Prop 1
City Council



Information Session
Old Bonhomme School Gym
Monday, October 27th @ 7 PM
Old Bonhomme School

*****AUTO**5-DIGIT 63132
CURRENT OLIVETTE RESIDENT

Proposition 1

What You Need to Know Before Nov 4th

- How is Prop 1 going to affect current uses of the Parks?
- How does Prop 1 impact your existing right to call for referendum?
- How is Prop 1 going to affect your children's use of the park?
- How might Prop 1 impact property taxes?

These are just a few of the issues that will be discussed at the City Council informational meeting. There are many more.
Please get informed before Nov 4th.

